

ORDINANCE 17-22

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE BRIDGEWATER CLUB PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-05, ORDINANCE 10-08, ORDINANCE 10-19, ORDINANCE 11-01, ORDINANCE 12-10, ORDINANCE 13-03, ORDINANCE 13-06, ORDINANCE 13-08, ORDINANCE 14-02, ORDINANCE 14-16, ORDINANCE 14-44, ORDINANCE 15-29, ORDINANCE 15-34, ORDINANCE 15-35, ORDINANCE 15-36, ORDINANCE 16-13 AND TITLE 16 - LAND USE CONTROLS

WHEREAS, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1409-PUD-15), filed with the Commission requesting an amendment to Ordinance 06-49, enacted by the Town Council on October 9, 2006 , and amended by (i) Ordinance 08-05, enacted by the City Council on February 11, 2008 (ii) Ordinance 09-17, enacted by the City Council on September 14, 2009; (iii) Ordinance 10-01, enacted by the City Council on February 8, 2010; (iv) Ordinance 10-05, enacted by the City Council on April 12, 2010; (v) Ordinance 10-08, enacted by the City Council on May 24, 2010; (vi) Ordinance 10-19, enacted by the City Council on September 13, 2010; (vii) Ordinance 11-01, enacted by the City Council on January 10, 2011; (viii) Ordinance 12-10, enacted by the City Council on April 9, 2012; (ix) Ordinance 13-03, enacted by the City Council on February 11, 2013; (x) Ordinance 13-06, enacted by the City Council on March 11, 2013; (xi) Ordinance 13-08, enacted by the City Council on March 25, 2013; (xii) Ordinance 14-02, enacted by the City Council on February 24, 2014 Ordinance 14-02; (xiii) Ordinance 14-16, enacted by the City Council on May 12, 2014 and (xiv) Ordinance 14-44, enacted by the City Council on September 22, 2014; (xv) Ordinance 15-29, enacted by the City Council on October 12, 2015; (xvi) Ordinance 15-34, enacted by the City Council on November 23, 2015; (xvii) Ordinance 15-35, enacted by the City Council on November 23, 2015; (xviii) Ordinance 15-36, enacted by the City Council on January 11, 2016; (xix) Ordinance 16-13, enacted by the City Council on August 8, 2016 (collectively, the “Bridgewater PUD Ordinance”);

WHEREAS, the Commission took action to forward said petition (Docket 1709-PUD-15) to the Westfield City Council (the “Council”) with a favorable recommendation (by a vote of 9 in favor and 0 opposed) in accordance with Ind. Code § 36-7-4-608, as required by Ind. Code § 36-7-4-1505, on September 5, 2017;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on September 11, 2017; and

WHEREAS, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL
THAT THE BRIDGEWATER PUD ORDINANCE AND TITLE 16 OF THE WESTFIELD
CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

SECTION 1. The Bridgewater PUD Ordinance is hereby amended so that the standards established in what is attached hereto and incorporated herein by reference as Exhibit “A” are applicable to only the real estate described in what is attached hereto and incorporated herein by reference as Exhibit “B” and Exhibit “B-2” (the “Real Estate”). In all other respects, the Bridgewater PUD Ordinance shall remain in effect and unchanged.

SECTION 2. Upon motion duly made and seconded, this Ordinance 17-22 was fully passed by members of the Council this ____ day of _____, 2017. Further, this Ordinance 17-22 shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict with this Ordinance 17-22 are hereby amended. To the extent that this Ordinance 17-22 conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 17-22 shall prevail.

[Remainder of page intentionally left blank, signature page follows.]

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2017.

**WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA**

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

James J. Edwards

James J. Edwards

James J. Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

ATTEST:

Cindy Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Justin Gilmore

I hereby certify that ORDINANCE No. 17-22 was delivered to the Mayor of Westfield

on the _____ day of _____, 2017, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 17-22

This _____ day of _____, 2017.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 17-22

this _____ day of _____, 2017.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

This document prepared by: Justin Gilmore, 1283 Goldfinch Drive,
Carmel, IN 46256 (317.910.0945)

EXHIBIT “A”

DEVELOPMENT STANDARDS FOR PROFESSIONAL BUILDING USES. The below terms, conditions, and provisions shall apply only to the use and development of the Real Estate.

Signage: The signage permitted under Ordinance 16-13, Exhibit A, Article C shall apply to the Real Estate, except as modified herein:

- a. Ordinance 16-13, Exhibit A, Article C3 shall be modified as follows: All Wall Sign standards under the *Westfield-Washington Township Unified Development Ordinance, Article 6.17* shall apply to the Real Estate.
- b. The wall signage represented on the building elevations in Exhibit E of Ordinance 16-13 shall not apply to the Real Estate. The “West Entry Sign Pier” depicted in Exhibit E of Ordinance 16-13 shall remain applicable to the Real Estate.

EXHIBIT “B”

Legal Description: Lot 3 of the Replat of Lots 2 & 3, Bridgewater Marketplace, Section 3

A part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East, Washington Township, Hamilton County, Indiana, and more particularly described as follows:

Lot 3 of the Replat of Lots 2 & 3, Bridgewater Marketplace, Section 3 recorded as Instrument Number 2015054146 in the Office of the Recorder in Hamilton County, Indiana.

“EXHIBIT B-2”

THIS INSTRUMENT PREPARED BY:

DENNIS D. OLMSTEAD, PLS
STOEPPELWERTH & ASSOCIATES, INC.
7905 EAST 106TH STREET
FISHERS, INDIANA 46038
PHONE: (317) 849-5935

OWNER/SUBDIVIDER:
THROGMARTIN-HENKE DEVELOPMENT, LLP
3535 EAST 161ST STREET
CARMEL, INDIANA 46033
PHONE: (317) 399-2490
CONTACT: DAVID R. MENNEL

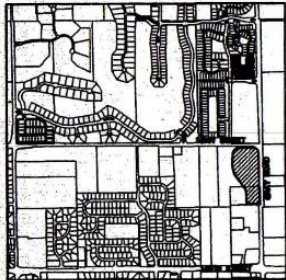
SOURCE OF TITLE: WARRANTY DEED
WARRANTY DEED: INSTR. #2007-008487
INSTR. #2005-00018843
INSTR. #2006-00008907

ZONING: P.U.D.

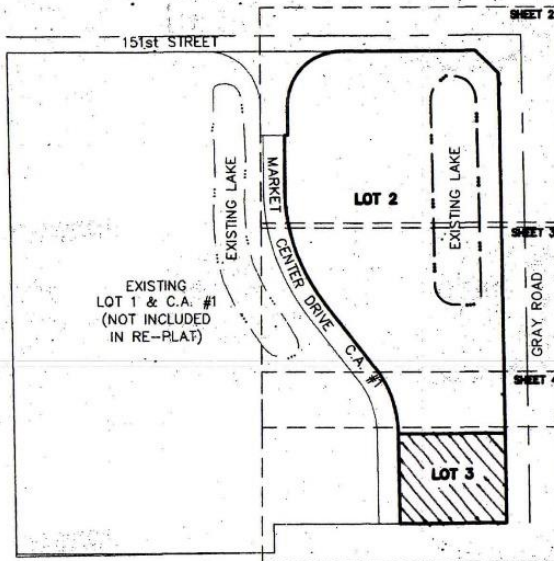
RE-PLAT OF LOTS 2 & 3 BRIDGEWATER MARKETPLACE SECTION 3

(BRIDGEWATER MARKETPLACE SECTION 3 PREVIOUSLY RECORDED AS
INSTRUMENT #2013048576, PLAT CABINET #5, SLIDE #108
IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA)
WASHINGTON TOWNSHIP, HAMILTON COUNTY
(SECTION 17, TOWNSHIP 18 NORTH, RANGE 4 EAST)

Dennis D. Olmstead
Registered Land Surveyor
No. 900012



VICINITY MAP
NOT TO SCALE



8/28/2015

LEGEND

D.U.&S.E. DRAINAGE, UTILITY & SEWER
EASEMENT
U.E. UTILITY EASEMENT
B.L. BUILDING LINE
C.A. COMMON AREA
I.E.E. INGRESS-EGRESS EASEMENT
R/W RIGHT OF WAY
VAR. VARIABLE

KEY MAP SCALE: 1" = 200'

SUBDIVISION MONUMENTATION

MONUMENTS THAT ARE SHOWN ON THIS PLAT HAVE BEEN SET IN PLACE PRIOR TO THE RECORDED OF THIS PLAT. MONUMENTS THAT WILL BE SET IN PLACE AFTER THE RECORDED OF THIS PLAT HAVE NOT BEEN SHOWN. AN AFFIDAVIT, CROSS-REFERENCED TO THIS RECORDED PLAT, WILL BE RECORDED AFTER THE SUBDIVISION MONUMENTATION HAS BEEN COMPLETED NO LATER THAN TWO (2) YEARS AFTER RECORDED OF THIS PLAT.

A 5/8"x30" REBAR WITH CAP STAMPED "S&A FIRM #0008" SHALL BE SET AT ALL LOT OR PARCEL CORNERS, INCLUDING BEGINNING AND ENDING OF CURVES AND THE INTERSECTION OF LINES.

○ DENOTES A 5/8"x30" REBAR WITH CAP STAMPED "S&A FIRM #0008".

● DENOTES A 2" MAG NAIL WITH WASHER STAMPED "S&A FIRM #0008".

● DENOTES A STREET CENTERLINE MONUMENT, EITHER A "COPPERWELD", A 5/8" DIA. STEEL ROD 12" LONG WITH 1-1/2" DIA. TAPERED BRASS CAP HAVING A CUT "X" IN TOP, SET FLUSH WITH THE FINISHED SURFACE COAT OR A 2" MAG NAIL, TEMPORARILY SET FLUSH WITH THE INTERMEDIATE COAT (SHOULDER).

CURVE	LENGTH	RADIUS	TANGENT	CHORD BEARING	CHORD	DELTA
C1	316.88'	473.00'	164.64'	N19°14'22"W	310.99'	38°23'04"
C2	334.97'	500.00'	174.04'	S19°14'22"E	328.74'	38°23'04"
C3	353.73'	528.00'	183.79'	S19°14'22"E	347.15'	38°23'04"
C4	184.15'	250.00'	85.16'	S19°37'22"E	181.22'	37°37'13"
C6	156.57'	119.84'	91.72'	S37°15'07"W	145.67'	74°51'15"
C7	159.98'	103.79'	100.78'	S45°16'22"E	144.61'	88°19'00"
C9	145.79'	222.03'	75.63'	S19°36'12"E	143.18'	37°37'13"
C10	194.65'	296.45'	100.98'	N19°37'23"W	191.17'	37°37'13"
C11	220.49'	140.00'	140.58'	S44°59'58"W	198.40'	90°14'13"

JOB No. 5603002
SHEET 1 OF 6